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July 26, 2016

VIA ECF

Honorable Paul G. Gardephe
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: Kenneth Creighton v. City of New York, et al., 1:12-cv-07454-PGG-DCF

Your Honor:

I am a Senior Counsel in the office of Zachary W. Carter, Corporation Counsel of the City of New York, representing defendants in the above-referenced matter. Defendants respectfully request permission to file Exhibit F and Exhibit K to their Motion for Summary Judgment under seal.

The reason for this request is that defendants believe that these two exhibits contain sensitive information which may reveal the identity of the eyewitness who was the subject of Your Honor's Memorandum Opinion and Order dated December 9, 2015. *See* Docket No. 77. In that Order, the Court held that the eyewitness's "identifying information shall be kept confidential, shall not be disclosed to others, and shall be used only for purposes of this litigation." *Id.* at 24.

Accordingly, defendants respectfully request permission to file Exhibit F and Exhibit K to their Motion for Summary Judgment under seal.

Thank you for your consideration in this regard.

Respectfully,

/s/ **Kavin Thadani**

Kavin Thadani
Senior Counsel
Special Federal Litigation

cc: **VIA ECF**
Richard Gross, Esq.
Michael Jaffe, Esq.
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